

WILL
OF
JOHNS HOPKINS.

Lewis H. Steiner

from Jas. J. de Groot Esq.

LAST WILL AND TESTAMENT OF JOHNS HOPKINS.

I, JOHNS HOPKINS, of Baltimore County, in the State of Maryland, do make and publish this, my last Will and Testament, in manner and form following, that is to say :

First and principally, I commit, with humble reverence, my soul to the keeping of Almighty God.

I direct that all my debts and funeral expenses shall be paid by my Executors, hereinafter named.

I do give and devise unto my friends, Francis White, Francis T. King and Charles J. M. Gwinn, and to the survivors or survivor of them, and to the heirs, executors and administrators of the survivor, the following pieces or parcels of property, situated in the City of Baltimore, belonging to me, namely, eight warehouses on the north side of Lombard street, between Light Street and Charles Street, and now known as Number Ninety-Six [96] Lombard Street, Number Ninety-Eight [98] Lombard Street, Number One Hundred [100] Lombard Street, Number One Hundred and Two [102] Lombard Street, Number One Hundred and Four [104] Lombard Street, Number One Hundred and Six [106] Lombard Street, Number One Hundred and Eight [108] Lombard Street, and Number One Hundred and Ten [110] Lombard Street, and the warehouse on the southeast corner of Baltimore and Liberty Streets, now known as Number Two Hundred and Ninety-Seven Baltimore Street; with power to manage all affairs and concerns relating to the said property, or any of it, or the income arising therefrom, in such manner that the value and productiveness of the said property may be best maintained and enhanced.

In trust, nevertheless, for the children of my deceased brother, Samuel Hopkins, and for the benefit of James Monroe Mercer, the husband of my niece Ella W. Mercer; in manner and form following, that is to say, in trust, to collect the rents, issues and profits thereof, and to apply the same, in the first place, to the payment of all charges and taxes upon, or repairs of, the said property, or any of it, and afterwards to pay, semi-annually, three-eighths parts of the clear rents, issues and profits thereof to my niece Ella W. Mercer, now wife of James Monroe Mercer, upon her separate receipt, for her separate use, free from the control of any husband she may now, or hereafter, have, for the period of her natural life; and, after the death of the said Ella W. Mercer, to apply so much of the said three-eighths parts of the said clear rents, issues and profits, as may be necessary, to the education and reasonable maintenance of any child, or children, of the said Ella W. Mercer, who may be living at her death, until the expiration of the period of twenty years

after the death of the said Ella W. Mercer, at which period of time three-eighths parts of the said property so devised in trust for the children of my said deceased brother Samuel Hopkins and of James Monroe Mercer, together with any surplus of income, or property, proportionably arising therefrom, shall vest absolutely in the child, or children, of the said Ella W. Mercer, as tenants in common, if there be more than one child; the issue of deceased children taking by substitution, as tenants in common, the respective shares which their respective parents would have taken.

And upon the further trust to pay, semi-annually, one-eighth part of the clear rents, issues and profits thereof to James Monroe Mercer, the husband of my niece Ella W. Mercer, for the period of his natural life, and, after his death, to apply so much of the said one-eighth part of the said clear rents, issues and profits, as may be necessary, to the education and reasonable maintenance of any child, or children, of the said Ella W. Mercer, who may be living at his death, until the expiration of the period of twenty years after the death of the said Ella W. Mercer, at which period of time one-eighth part of the said property, so devised in trust for the children of my said deceased brother Samuel Hopkins, and of James Monroe Mercer, together with any surplus of income, or property, proportionably arising therefrom, shall vest absolutely in the child, or children of the said Ella W. Mercer, as tenants in common, if there be more than one child; the issue of deceased children taking by substitution, as tenants in common, the respective shares which their respective parents would have taken.

And upon the further trust to pay, semi-annually, two-eighths parts of the clear rents, issues and profits thereof to my nephew, John J. Hopkins, for the period of his natural life; and after the death of the said John J. Hopkins, to apply so much of the said two-eighths parts of the said clear rents, issues and profits as may be necessary to the education and reasonable maintenance of any child, or children, of the said John J. Hopkins, who may be living at his death, until the expiration of the period of twenty years after the death of the said John J. Hopkins, at which period of time two-eighths parts of the said property, so devised in trust for the children of my said deceased brother Samuel Hopkins, and of James Monroe Mercer, together with any surplus of income, or property, proportionably arising therefrom, shall vest absolutely in the child, or children, of the said John J. Hopkins, as tenants in common, if there be more than one child; the issue of deceased children taking by substitution, as tenants in common, the respective shares which their respective parents would have taken.

And upon the further trust to pay, semi-annually, one-eighth part of the clear rents, issues and profits thereof to my nephew, Mahlon Hopkins, for the period of his natural life; and, after the death of the said Mahlon Hopkins, to apply so much of the said one-eighth part of the said clear rents, issues and profits as may be necessary, to the education and reasonable maintenance of any child, or children, of the said Mahlon Hopkins, who may be living at his death, until the expiration of the period of twenty years after the death of the said Mahlon Hopkins, at which period of time one-eighth part of the said property, so devised in trust for the children of my said deceased brother Samuel Hopkins, and of James Monroe Mercer, together with any surplus of income, or property, proportionably arising therefrom, shall vest absolutely in the child, or children, of the said Mahlon Hopkins, as tenants in common, if there be more than one child; the issue of deceased children taking by substitution, as tenants in common, the respective shares which their respective parents would have taken.

And upon the further trust to pay, semi-annually, one-eighth part of the clear rents, issues and profits thereof to my nephew Arundel Hopkins, for the period of his natural life; and after the death of the said Arundel Hopkins, to apply so much of the said one-eighth part of the said clear rents, issues and profits as may be necessary to the education and reasonable maintenance of any child, or children, of the said Arundel Hopkins, who may be living at his death, until the expiration of the period of twenty years after the death of the said Arundel Hopkins, at which period of time one-eighth part of the said property so devised in trust for the children of my said deceased brother Samuel Hopkins, and of James Monroe Mercer, together with any surplus of income, or property, proportionably arising therefrom, shall vest absolutely in the child, or children, of the said Arundel Hopkins, as tenants in common, if there be more than one child; the issue of deceased children taking by substitution, as tenants in common, the respective shares which their respective parents would have taken.

I do give and devise unto my friends Francis T. King, Francis White and Charles J. M. Gwinn, and to the survivors, or survivor of them, and to the heirs, executors, administrators and assigns of the survivor, the following pieces, or parcels of property, situate in the City of Baltimore, now belonging to me, namely, four warehouses on the north side of Exchange Place, in the said city, now known as number fifty-four [54] Exchange Place, number fifty-six [56] Exchange Place, number fifty-eight [58] Exchange Place, and number sixty [60] Exchange Place, also six dwelling houses, with stores, on the north side of East Baltimore Street, in the said city, now known as number two [2] East Baltimore Street, number four [4] East Baltimore Street, number six [6] East Baltimore Street, number eight [8] East Baltimore Street, number ten [10] East Baltimore Street, and number twelve [12] East Baltimore Street, and two warehouses on the east side of Cheapside, now known as number twenty-nine [29] and twenty-nine and a half [29½], with power to manage and direct all affairs and concerns, relating to the said property, or any of it, in such manner that the value and productiveness of the said property may be best maintained and enhanced; in trust nevertheless, for the children of my sister, Sarah H. Janney, wife of Richard M. Janney; that is to say, in trust to collect the rents, issues and profits thereof, and to apply the same, in the first place to the payment of all charges and taxes upon, or repairs of the said property, or any of it, and afterwards to pay, semi-annually, one-fourth part of the clear rents, issues and profits thereof to my niece, Jane White, now wife of Francis White, upon her separate receipt, for her separate use, free from the control of any husband she may now have or hereafter have, for the period of her natural life, and after the death of the said Jane White, to apply so much of the said one-fourth part of the said clear rents, issues and profits as may be necessary, to the education, and reasonable maintenance, in a proper manner, of any child, or children, of the said Jane White, who may be living at her death, until the expiration of the period of twenty years after the death of the said Jane White, at which period of time, one-fourth part of the said property, so devised in trust for the children of my said sister Sarah H. Janney, together with any surplus of income, or property, proportionably arising therefrom, shall vest absolutely in the child, or children of the said Jane White, as tenants in common, if there be more than one child; the issue of deceased children taking by substitution, as tenants in common, the respective shares which their respective parents would have taken.

And upon the further trust, to pay semi-annually, to my niece, Mrs. Margaret Elliott, wife of Joseph Elliott, of North Carolina, one-fourth part of the clear rents, issues and profits thereof, upon her separate receipt, for her separate use, free from the control of any husband she may now or hereafter have, for the period of her natural life; and after the death of the said Margaret Elliott, in trust to apply so much of the said one-fourth part of the said clear rents, issues and profits as may be necessary, to the education and reasonable maintenance, in a proper manner, of any child, or children of the said Margaret Elliott who may be living at her death, until the expiration of the period of twenty years after the death of the said Margaret Elliott, at which period of time one-fourth part of the said property, so devised in trust for the children of my said sister, Margaret Elliott, together with any surplus of income, or property, proportionably arising therefrom, shall vest absolutely in the child or children of the said Margaret Elliott, as tenants in common, if there be more than one child; the issue of deceased children taking by substitution, as tenants in common, the respective shares which their respective parents would have taken.

And upon the further trust to pay, semi-annually, one-fourth part of the clear rents, issues and profits thereof, to my nephew, Samuel H. Janney, for the period of his natural life, and after the death of the said Samuel H. Janney, to apply so much of the said one-fourth part of the said clear rents, issues and profits as may be necessary to the education and reasonable maintenance of any child, or children, of the said Samuel H. Janney, who may be living at his death, until the expiration of the period of twenty years after the death of the said Samuel H. Janney, at which period of time one-fourth part of the said property, so devised in trust for the children of my said sister, Sarah H. Janney, together with any surplus of income, or property, proportionably arising therefrom, shall vest absolutely in the child, or children, of the said Samuel H. Janney, as tenants in common, if there be more than one child; the issue of deceased children taking by substitution, as tenants in common, the respective share which their respective parents would have taken.

And upon the further trust to pay, semi-annually, one-fourth part of the clear rents, issues and profits thereof to my nephew, Johns Hopkins Janney for the period of his natural life, and after the death of the said Johns Hopkins Janney, to apply so much of the said one-fourth part of the said clear rents, issues and profits as may be necessary to the education and reasonable maintenance of any child, or children, of the said Johns Hopkins Janney, who may be living at his death, until the expiration of the period of twenty years after the death of the said Johns Hopkins Janney, at which period of time one-fourth part of the said property, so devised in trust for the children of my said sister, Sarah H. Janney, together with any surplus of income, or property, proportionably arising therefrom, shall vest absolutely in the child, or children, of the said Johns Hopkins Janney, as tenants in common, if there be more than one child; the issue of deceased children taking by substitution, as tenants in common, the respective shares which their respective parents would have taken.

If any, of the children of my deceased brother, Samuel Hopkins, or if my sister, Sarah H. Janney, should die without leaving any child, or children, or if any child, or children, of any one of the children of my said deceased brother, Samuel Hopkins, or of my said sister, Sarah H. Janney, shall depart this life after the death of his, her, or their parent, [such parent being a child of my said deceased brother, Samuel Hopkins, or of my said sister, Sarah H. Janney],

and before the expiration of the period of twenty years after the death of his, her, or their parent, [such being as, aforesaid, a child of my said brother Samuel Hopkins, or of my sister, Sarah H. Janney], then, and in such event, it is my will that the share, part, or interest of the child, or children of my said deceased brother, Samuel Hopkins, or of my sister, Sarah H. Janney, so dying, and of the grand child, or grand children, of my said last mentioned brother or sister, so dying, shall be held by my said Trustees, and by the survivors of them, in trust, as to the realty, for the heirs at law of such deceased child, or grand child, or children, or grand children of my said brother, Samuel Hopkins, or of my said sister, Sarah H. Janney, and in trust, as to the personalty, for such person, or persons, as under the laws of this State would be entitled to be the distributees of the personal Estate of such deceased child, or grand child, children, or grand children; subject, however, in all respects, to the other limitations appointed by this, my last will and testament, in reference to the shares of the children of my said deceased brother, Samuel Hopkins, and of my sister, Sarah H. Janney, in so far as such limitations are applicable.

I give and devise to Samuel H. Congdon, of Maryland, Johns Hopkins Congdon, of Rhode Island, Elizabeth Congdon, of Rhode Island, and to Mary E. Wood, wife of William Wood, of New York, children of my sister, Mary R. Congdon, the following pieces, or parcels of property, situate in the City of Baltimore, now belonging to me, to be by them held and enjoyed as tenants in common, and not as joint tenants; namely, five warehouses on the south side of Exchange Place, in said city, now known as number fifty-five [55] Exchange Place, number fifty-seven [57] Exchange Place, number fifty-nine [59] Exchange Place, number sixty-one [61] Exchange Place, and number sixty-three [63] Exchange Place.

I give and devise unto Louis N. Hopkins, a son of my brother Joseph Hopkins, deceased, the double warehouse, now belonging to me, situated on the south side of Lombard street, in the city of Baltimore, now known as number one hundred and five [105] Lombard street.

I give and devise to Joseph Hopkins, a son of my brother, Joseph Hopkins, deceased, the double warehouse, now belonging to me, in the City of Baltimore, situated on the North side of Lombard street, between Calvert street and Light street, now known as number eighty-eight and ninety [88 and 90] Lombard street; also two dwelling houses belonging to me, situated in the City aforesaid, known as numbers six and eight, [6 and 8] Wyeth street; also one dwelling house situated in the City aforesaid, known as number two hundred and sixty-five, [265] Montgomery street; also one dwelling house, belonging to me, on Hughes' street, in the rear of the dwelling house on Montgomery street, last above referred to.

I give and devise unto Gerard Hopkins and Samuel Hopkins, sons of my deceased brother Joseph Hopkins, as tenants in common, and not as joint tenants, the following lots and parcels of ground and property, situated in the City of Baltimore, and now belonging to me, to be equally divided between them; that is to say the thirty-six dwelling houses, fronting upon Sharp street, and upon West street, and upon Peach alley; being numbers three hundred and twenty-nine, [329], three hundred and thirty-one, [331], three hundred and thirty-three, [333] three hundred and thirty-five, [335], three hundred and thirty-seven, [337], three hundred and

thirty-nine, [339], three hundred and forty-one, [341], three hundred and forty-three, [343], three hundred and forty-five, [345], three hundred and forty-seven, [347], three hundred and forty-nine, [349], three hundred and fifty-one, [351], three hundred and fifty-three, [353], three hundred and fifty-five, [355], three hundred and fifty seven, [357], three hundred and fifty-nine, [359], three hundred and sixty-one, [361], and three hundred and sixty-three [363] Sharp street; and being numbers two hundred and fifty-one, [251], two hundred and fifty-three, [253] two hundred and fifty-five, [255], two hundred and fifty-seven, [257,] two hundred and fifty-nine, [259], two hundred and sixty-one, [261], and two hundred and sixty-three West street; and being number one hundred and one, [101], one hundred and three, [103,] one hundred and five, [105], one hundred and seven, [107,] one hundred and nine, [109,] one hundred and eleven, [111], one hundred and thirteen, [113], one hundred and fifteen, [115], one hundred and seventeen [117] and one hundred and nineteen Peach alley; also six dwelling houses, belonging to me, on the east side of Plum alley, between Montgomery street and Henrietta street; also the dwelling house known as number one hundred and twenty-eight, [128], on the west side of Sharp street; and the dwelling house known as number forty-eight, [48], on the south side of Conway street; all situated, as aforesaid, in the City of Baltimore.

I give and devise the dwelling house, on Saratoga street, in the City of Baltimore, wherein I reside in winter, to my sister, Eliza H. Crenshaw, during her natural life.

I give and bequeath the furniture, silver-plate, wines and household articles, in said dwelling house, and my carriage and horses, to my said sister, Eliza H. Crenshaw, absolutely.

I direct that my said dwelling house shall, during the life of my sister, be kept insured to an amount sufficient to prevent serious loss, by the Trustees of "The Johns Hopkins Hospital," hereinafter named at the cost of the said "The Johns Hopkins Hospital."

In order to provide a sufficient fund for the support of my said sister, Eliza H. Crenshaw, I bequeath unto my executors, hereinafter named, and the survivors, or survivor of them, the sum of one hundred thousand dollars in the Bonds of the Pittsburgh and Connellsville Rail Road Company, now in my possession, in trust, to pay the interest accruing thereon, from the date of my death, apportioning the same for that purpose, to the said Eliza H. Crenshaw, during her natural life. After the death of my said sister, Eliza H. Crenshaw, I give and devise my said dwelling house on Saratoga street to "The Johns Hopkins Hospital," a Corporation hereinafter particularly referred to, for its corporate uses; and immediately upon the death of my said sister, Eliza H. Crenshaw, I direct my said executors and the survivors, or survivor of them, to deliver up, assign and transfer the one hundred thousand dollars of the bonds of the Pittsburgh and Connellsville Railroad Company aforesaid, bequeathed in trust as aforesaid, to the said "The Johns Hopkins Hospital" for its corporate uses.

I give and bequeath unto my brother-in-law, Richard M. Janney, the sum of ten thousand dollars.

I give and devise to my sister, Sarah H. Janney, wife of Richard M. Janney, the sum of five thousand dollars.

I give and bequeath unto my sister, Margaret White, wife of Miles White, the sum of five thousand dollars.

I give and bequeath unto Elizabeth S. Hopkins, the widow of my brother, Joseph Hopkins, the sum of five thousand dollars.

I give and bequeath unto Lavinia Hopkins, the wife of my brother, Samuel Hopkins, the sum of five thousand dollars.

I give and bequeath unto the children of Ezekiel Hopkins, of Cecil County, Maryland, the sum of five thousand dollars, to be divided equally among them, share and share alike.

I give and bequeath unto the children of my cousin, Isaiah Hopkins, the sum of five thousand dollars, to be divided between or among them, share and share alike.

I give and bequeath to the two unmarried daughters of Gerard Hopkins [of Joseph,] to be divided between them, share and share alike, the sum of two thousand dollars.

I give and bequeath unto Elizabeth Hopkins, widow of Basil Hopkins, the sum of five thousand dollars.

I give and bequeath unto my friend, John J. Barry, the sum of four thousand dollars.

I give and bequeath unto my servant man, James, the house in which he now resides, on French street, in the city of Baltimore, and the sum of five thousand dollars.

I give and bequeath to my seryant woman, Chloe, the sum of one thousand dollars.

I give and bequeath to my servant man, Charles, the sum of two thousand dollars.

I give and bequeath unto "The Baltimore Manual Labor School for Indigent Boys" the sum of twenty thousand dollars.

I give and bequeath unto the Maryland Institute for the Promotion of the Mechanic Arts, for the use of its School of Design, the sum of ten thousand dollars.

I give and bequeath unto the "Home of the Friendless" the sum of ten thousand dollars.

I give and bequeath unto the Baltimore Orphan Asylum, referred to in the Act of Assembly of the State of Maryland of December Session, 1849, chapter 32, the sum of ten thousand dollars.

I give, devise and bequeath unto "The Johns Hopkins University," a corporation formed at my instance, under the laws of Maryland, by certificate duly recorded among the Records of Baltimore County, my country place known as "Clifton," containing about three hundred and thirty acres, and all the shares of the capital stock of the Baltimore and Ohio Railroad Company, whereof I shall, die possessed, [except the stock known as preferred stock of said Company, upon which a dividend of six per centum and no more is payable by said Company,] and I recommend the said "The Johns Hopkins University" not to dispose of the said capital stock, or of the stock, accruing thereon by way of increment, or dividend, but to keep the said

stock and said increment, or dividend stock, if any, as an investment; and I direct that the buildings, necessary for the purposes of the said "The John Hopkins University," shall be constructed out of the money dividends as they accrue on said stock; and that the said University and the trustees should maintain the said University, afterwards, out of its receipts from scholars, and out of the annual revenue derived from the devise and bequest hereby made, without encroaching upon the principal fund. And I further enjoin upon the said University, and the trustees thereof, the duty of voting and representing the said stock with diligence, zeal and perfect fidelity to the trust I have reposed in them, especially desiring that each and every trustee thereof will abstain from all action which may tend to subordinate the Baltimore and Ohio Railroad Company to any political influence, or management, and will, at all times, use his or their influence or power with the purpose of promoting its usefulness, and the value of the stock of that Company, which I have hereby bequeathed.

And I further request the trustees of the said University to establish, from time to time, such number of free scholarships in the said University as may be judicious; and to distribute the said scholarship amongst such candidates from the States of Maryland, Virginia, and North Carolina, as may be most deserving of choice, because of their character and intellectual promise; and to educate the young men, so chosen free of charge.

I give, devise and bequeath unto "The Johns Hopkins Hospital" a corporation formed at my instance, under the laws of Maryland, by Certificate recorded among the Records of Baltimore city, all the real and leasehold estate, not hereinbefore specifically disposed of, and wheresoever the same may be situate, of which I may die seized, or possessed, and also all the Bank stocks, owned by me, at my death, in Banks located, or doing business within, or beyond the limits of this State, to be held, used and applied by the said "The Johns Hopkins Hospital" in and for and to its corporate purposes, in accordance with the provisions of its existing Certificate or Charter of Incorporation, or with the provisions of such Act, or Acts of Assembly, amending its Certificate or Charter of Incorporation, as the trustees thereof, acting upon my recommendations hereinafter made, may see fit to procure to be passed and accepted.

And as I am of the opinion that the ward, or building, to be under the control of the said Hospital, which is to be erected for the reception and care of colored orphan children, ought also to be opened for the reception and proper training of destitute colored children, and that said ward ought moreover, to be separated wholly, and built at a distance from, the wards, or buildings intended for sick poor white persons, or sick poor colored persons, I do recommend the trustees of the said "The Johns Hopkins Hospital" to apply to the Legislature of Maryland for authority to build the ward, or building, intended for the reception and care of the orphan colored children, in a locality different from that selected for the use of the wards for sick poor white persons, or of sick poor colored persons; and also for authority to receive and care for destitute colored children, in such building, erected for the reception and care of orphan colored children; but it shall be the duty of the said trustees of the said "The Johns Hopkins Hospital" to supervise the concerns, interests and wants of all the several wards, or sub-divisions, of the said "The Johns Hopkins Hospital," wherever the said wards, or sub-divisions, may be located, in such manner that the interests and wants of each of said sub-divisions, or wards, may be fully and impartially protected and promoted.

And I desire that the said trustees of the said "The Johns Hopkins Hospital" shall make ample provision out of the property, real and personal by this my last will and testament devised and bequeathed to the said "The Johns Hopkins Hospital," not only for the ward, or building, intended for the use of sick poor white persons, and for the care of such inmates, but also for the ward, or buildings intended for the use of sick poor colored persons, and for the care of such inmates, and for the ward, or building intended for the reception and care of colored orphan and destitute children, as aforesaid.

I give, devise and bequeath all the rest, residue and remainder, of the estate of which I shall be seized, or possessed, at my death of whatsoever nature and description the same may be which has not been disposed of by this my last will and testament, or so much thereof as I shall not hereafter dispose of by my codicil, or codicils made hereto, or by gift, or gifts, or in any other manner in my life time, unto such persons of my kindred as would be entitled to such rest, residue and remainder of my estate, if such rest, residue and remainder had constituted my whole estate, and I had departed this life intestate.

Although I have full confidence in the affection of my kindred, and believe that it would be the pleasure of each one of them to promote the objects, to which I have by this my last will and testament dedicated the greater portion of my fortune, yet, nevertheless, in the exercise of ordinary prudence, it is my duty to guard fully against the effects of any evil counsel or influence, which may seek to disturb any of the provisions of this my last will, therefore I do further direct, and declare, that if any person named in this my last will and testament, and to whom, or for whose use, I have made any devise, or bequest, or any person claiming through, under, or in trust for such person, shall, at any time, during the life of such person, or within twenty one years after the death of said person, dispute the validity of this my last will, or of any of the dispositions herein, or in any codicil hereto, contained, or shall at any time, during such period as aforesaid, refuse to confirm this my will, or any codicil hereto so far as he, she, or they lawfully can, or to do such acts and things, as of him, her, or them can be reasonably demanded for giving full effect to all, or any of such dispositions, or if any proceeding, whatever, shall, at any time, during such period as aforesaid, be taken with the consent, or connivance of any such person, or persons, as aforesaid, by means, or in consequence of which, any estate, or interest could be in any way attainable by such person, or persons, as aforesaid, of larger extent, or value, than is or shall be by this my will, or any codicil hereto, given to the said person or persons, and such proceeding shall not be formally and at once disavowed, stayed, or resisted by the said person, or persons as aforesaid, to the full extent of his or their power and ability so to do, then and in such case, all the dispositions herein, or in any codicil hereto contained, in favor of the said person, or persons shall cease, and be void to all intents and purposes whatsoever, and are hereby revoked accordingly. And in the event lastly hereinbefore contemplated, as to all the real, leasehold, and personal estate so forfeited as aforesaid, I give and devise the same to "The Johns Hopkins Hospital" incorporated at my instance as aforesaid, under the laws of Maryland, to be by it applied to its proper corporate uses.

I further direct that no claim shall be made by my executors, or the survivors, or survivor of them, or by any person claiming under me, against any nephew or niece who may be named as a devisee or legatee in this my last will and testament, or who may be entitled to receive any benefit or advantage as a cestui que trust under this my last will and testament, for or by reason of any debt due by such person to me, although such indebtedness may appear upon my books, or by vouchers or evidences of debt in my possession, except where such claim may exist by reason of the non-payment by such devisee, or legatee of commercial paper, which has not become due at the time of my death, for I do hereby forgive all and every debt due to me by any nephew or niece named, or referred to in this my last will and testament, except as above provided for, intending, except as so provided for, that every devise or bequest made by me to, or in favor of any such niece or nephew so indebted to me, should be enjoyed in the same manner and to as full an extent as if no debt were due to me by or from such niece or nephew.

I further direct my executors to pay all commercial paper endorsed by me, and which remains unpaid by the party or parties primarily responsible thereon, without delay, when proof of such claims against my estate is made according to law.

I further declare and provide that, in case any devise, legacy, or bequest in this my last will and testament should fail to take effect, for any reason whatsoever, then, and in such event, I give, devise and bequeath the said property, real, leasehold or personal, or of whatsoever nature it may be intended by this my last will and testament to have been devised, given or bequeathed, and which said devise, legacy or bequest may fail to take effect, for any reason whatsoever as aforesaid, to "The Johns Hopkins Hospital" for its corporate purposes.

I further declare that in the several devises and bequests of real, leasehold and personal estate, by me hereinbefore made, it has not been my purpose or intention that any charges, or incumbrances, existing at my death on any such real, leasehold or personal estate, should be paid out of my other real or personal estate; but it is my purpose and intention that every devisee, or legatee, or cestui que use, or cestui que trust named, or referred to in this my last will and testament, should take and receive the real, leasehold or personal estate so devised, or bequeathed, or the benefit thereof, charged with and subject to any charge, or charges, incumbrance, or incumbrances, existing thereon, and be bound to assume the payment, performance or satisfaction of the same, and that my other real and personal estate should be exonerated therefrom.

I empower my executors, hereinafter named, to compound, or to allow time, or to accept security, real or personal, for any debt, or debts owing to my estate, and to adjust by arbitration, or otherwise, disputes in relation thereto, or in relation to debts, or demands, against my estate.

I do further give to the several trustees named in this my last will and testament, and to their successors in the said trust, and to my executors, and to the survivor or survivors of them, and to the executors, administrators and assigns of the survivor, all powers which may

be necessary for the preservation, direction, repair, management, or profitable use of any property, real or personal, devised or bequeathed by me and remaining from time to time under their, or his government, or control, until such time as their respective duties, and the duties of each one of them in relation to the said trusts and property, shall be fully performed.

And I further declare that the several trustees appointed by this my last will and testament, and to the heirs, executors, administrators and assigns of them, and of each and every of them, shall be charged and chargeable respectively for such monies only as they respectively, shall actually receive by virtue of the trusts hereby in them reposed.

And I do hereby revoke all other testamentary dispositions by me heretofore made, declaring this and none other to be my last will and testament.

I do appoint my friends, Francis White, of Baltimore County, Francis T. King, of Baltimore City, and Charles J. M. Gwinn, of Baltimore City, now temporarily residing in Baltimore County, who are hereinbefore named as Trustees for certain purposes, to be also Executors of this my last Will and Testament; and I do give and bequeath to them the sum of thirty thousand dollars, to be divided equally among them; and I declare that the said legacy, so given, is in lieu and in place of all commissions which might accrue to all and each of them as Executors, or Executor, under this my last Will and Testament, and shall be by each of them agreed to be so received, and that such agreement of each of said persons shall be evidenced by the assent of each to act as such Executor. And I further declare that in case any one or more of my said Executors should depart this life before my death, then and in that event I appoint my nephew Lewis N. Hopkins to be an Executor of, and Trustee under, this my last Will and Testament, in the room and place of that one of my said Executors and Trustees, who may so first depart this life; and I do appoint my cousin, William Hopkins, son of Gerard T. Hopkins, deceased, to be an Executor and Trustee under this my last Will and Testament, in the room and place of that one of my said Executors and Trustees who may next afterwards depart this life; and I declare that all the trusts, powers and discretions, and all the restrictions and obligations, which are hereby vested in, or imposed upon, my Executors herein named, may be executed by, and shall be held to be binding upon the said Lewis N. Hopkins, or William Hopkins, and upon both of them, upon his or their acceptance of the said office and trust or trusts, in the same manner and to the same extent as if he or they had been originally named as Executor or Executors, and as Trustee or Trustees, in this my last Will and Testament; and I direct and empower the Trustees, or the survivors or survivor of them, named in this my last Will and Testament, to fill up any vacancies which from time shall occur in the trusteeship aforesaid after my death by the choice of my nephew Lewis N. Hopkins, and William Hopkins, son of the late Gerard T. Hopkins, in the order in which they are here named, to fill such vacancies as they occur, and all the trusts, powers and discretions by this my last Will and Testament vested in my said Trustees, herein named, may be executed by the Trustees for the time being of my Will.

In testimony whereof I have hereunto set my hand and affixed my seal this ninth day of July, in the year eighteen hundred and seventy.

JOHNS HOPKINS,



Signed, sealed, published and declared by the above named Johns Hopkins as and for his last Will and Testament, in our presence, who at his request, in his presence, and in the presence of each other, have hereto set our hands as witnesses hereto.

JAMES HOOPER,
JAS. B. EDWARDS,
DAVID A. JONES,
CHAS. G. KERR.

BALTIMORE COUNTY, SS.

On this 27th day of December, 1873, came James Hooper, David A. Jones and Charles G. Kerr, subscribing witnesses, to the foregoing Last Will and Testament of Johns Hopkins, late of said County, deceased, and made oath on the Holy Evangel of Almighty God, that they did see the Testator sign and seal this Will, that they heard him publish, pronounce and declare the same to be his Last Will and Testament; that at the time of his so doing he was to the best of their apprehension of sound and disposing mind, memory and understanding, and that they together with James B. Edwards, who is now deceased, subscribed their names as witnesses to this Will in his presence at his request, and in the presence of each other.

TEST :

JOS. B. MITCHELL,
Register of Wills for Baltimore County.

MARYLAND:

Baltimore County, Set:

I hereby certify that the foregoing is a true copy of the Original Will of Johns Hopkins, late of Baltimore County, filed in the Office of Register of Wills for Baltimore County, on the 27th day of December, A. D. 1873.



In Testimony whereof, I hereunto set my hand and affix the Seal of my office, this 27th day of December, A. D. 1873.

JOS. B. MITCHELL,
Register of Wills for Baltimore County.

FIRST CODICIL

I, Johns Hopkins, of Baltimore county, in the State of Maryland, having heretofore made my last Will and Testament, dated on the ninth day of July, in the year eighteen hundred and seventy, do now make this Codicil to my said last Will and Testament, in manner and form as follows, that is to say :

Inasmuch as I have determined to increase the amount of the property, devised in trust in my said last Will and Testament for the benefit of the children of my deceased brother, Samuel Hopkins and of James Monroe Mercer, and also to increase the amount of the property devised in trust, in my said last Will and Testament for the benefit of the children of my sister, Sarah H. Janney, to the extent and in the manner hereinafter shown by this Codicil, now, therefore in order to give effect to my said purposes, I do give and devise unto my friends Francis White, Francis T. King, and Charles J. M. Gwinn, and to

the survivors and survivor of them, and to the heirs, executors and administrators of the survivor, the warehouse now known as number one hundred and fifty-two (152) West Pratt street, in the city of Baltimore, and also the two warehouses on the east side of South Frederick street, at the south-east corner of Frederick and Second streets, in the city of Baltimore, known and designated as numbers nineteen, (19) twenty-one, (21) twenty-three (23) and twenty-five (25) South Frederick street, in trust, nevertheless, for the children of my deceased brother Samuel Hopkins, and for the benefit of James Monroe Mercer, the husband of my niece, Ella W. Mercer, in manner and form following, that is to say, in trust to hold the same, and to collect and apply the rents, issues and profits thereof in the same manner, as if the said property mentioned by me as aforesaid in this clause of this Codicil, had formed and constituted a portion of the pieces, or parcels of property, by me set apart in my said last Will and Testament in trust for the children of my said deceased brother, Samuel Hopkins, and for the benefit of the said James Monroe Mercer; and I do further declare that every provision and limitation made in my said last Will and Testament in relation to the property therein and thereby devised in trust for the children of my said deceased brother, Samuel Hopkins, and for the benefit of James Monroe Mercer aforesaid, shall be held, considered and taken as applying to the property devised by this clause of this Codicil, in the same manner and to as large an extent, in every particular, as if the said property devised by this Codicil, had originally formed a part of the property devised by my said last Will and Testament in trust for the children of my deceased brother, Samuel Hopkins, and for the benefit of James Monroe Mercer aforesaid.

I do further give and devise unto my friends Francis White, Francis T. King and Charles J. M. Gwinn, and to the survivors and survivor of them, and to the heirs, executors and administrators of the survivor, the warehouse known and designated as number one hundred and fifty (150) West Pratt street, situated at the north-east corner of Pratt and Hollingsworth streets, in the city of Baltimore, and also the warehouse adjoining said last named warehouse on the eastern side thereof, and also the three warehouses situated on the east side of Hollingsworth street, in the city of Baltimore, in the rear of the said warehouse above referred to, and designated by the number one hundred and fifty (150) West Pratt Pratt street, and adjoining the rear of said last named warehouse, or separated therefrom by an alley-way only, in trust, nevertheless, for the children of my sister, Sarah H. Janney, in manner and form following, that is to say, in trust to hold the same and to collect and apply the rents, issues and profits thereof, as if the said several pieces of property so by me mentioned as aforesaid, in this clause of this Codicil, had formed and constituted portions of the pieces or parcels of property by me set apart in my said last Will and Testament, in trust for the children of my sister, Sarah H. Janney, wife of Richard M. Janney, and I do further declare that every provision and limitation made in my said last Will and Testament in relation to the property therein and thereby devised in trust for the children of my said sister, Sarah H. Janney, shall be held, considered and taken as applying to the property devised by this clause of this Codicil, in the same manner and to as large an extent in every particular, as if the said property devised by this Codicil, had originally formed a part of the property devised by my said last Will and Testament in trust for the children of my said sister, Sarah H. Janney.

I do further declare that it is my wish that the trustees of "The Johns Hopkins Hospital" shall apply to the Legislature of Maryland for such additional authority as they may require to enable them to educate the orphan and destitute colored children by them received into their charge, and shall use and employ such portion of the nett income of the property (not exceeding one-fourth part thereof however) devised and bequeathed to them by me, as may be necessary to enable them to perform the duty of receiving, caring for and educating such orphan and destitute colored children; and I do further direct that, when such authority is obtained, the said trustees shall expend such portion of the said one-fourth part of said income as may be necessary in the reception, care and education of said orphan and destitute colored children.

And I also declare it to be my wish that my said trustees shall also apply for such additional authority as they may require, to enable them to provide proper and respectable employment for such orphan and destitute colored children so by them received and cared for, when such children shall arrive at a suitable age.

Whereas, since the execution of my said last will and testament, I have made considerable investments in real and leasehold estate, and may make other purchases thereof, and have suffered losses of large sums of money in business transactions, and may encounter others of like nature;

And Whereas, also I have determined that the legacies and bequests, by me made in my said last will and testament, shall not be reduced because of said investments and losses, or because of other investments or losses to be by me made, or incurred, but that said legacies and bequests shall be subject only to such charges, or incumbrances, if any, as shall exist upon the particular property, so bequeathed, at the time of my death; therefore, in order to provide that the said legacies and bequests may fully take effect, and may be subject only to the particular charges existing upon the same, as aforesaid, at the time of my death, I do hereby expressly charge any sum, in which my personal estate may be deficient, for the payment of said legacies and bequests, and in which it may be deficient for the payment of debts not charged upon or secured by specific real or personal property, by me bequeathed or devised, in equal parts, upon the estate, real and personal, by me devised and bequeathed, by my said last will and testament, and by this codicil, to "The Johns Hopkins Hospital," and upon the estate, real and personal, by me devised and bequeathed by my said last will and testament, and by this codicil, to "The Johns Hopkins University." It being my will and intention that one-half part of said deficiency, if any, should be paid by the said "The Johns Hopkins Hospital," and one-half part of said deficiency should be paid by the said "The Johns Hopkins University."

And Whereas, by my said last will and testament, I did give, devise and bequeath all the rest, residue and remainder of the estate of which I might be seized, or possessed, at my death, and which was not otherwise disposed of by my said last will and testament, or by any codicil or codicils made thereto, or by gift or otherwise, in my life time, unto such persons of my kindred as would be entitled to such rest, residue and remainder of my estate, if such rest, residue and remainder had constituted my whole estate, and I had departed this life intestate.

And Whereas, upon due consideration, believing that my said kindred have been otherwise sufficiently provided for by my said last will and testament and by this codicil, I have determined to dispose otherwise of the said rest, residue and remainder of my real and personal estate.

Now I do hereby revoke the said devise and bequest so made of all the rest, residue and remainder of my estate, and I do hereby give, devise and bequeath all the said rest, residue and remainder of the estate, real and personal, of which I shall be seized, or possessed at my death, of whatsoever nature and description the same may be, to "The Johns Hopkins University" and to "The Johns Hopkins Hospital," as tenants in common, and not as joint tenants, to be equally divided between them, share and share alike; the share of each corporation in the said rest, residue and remainder of my real and personal estate to be held, used and applied by such corporation in, for and to its corporate purposes, in accordance with the provisions of its existing certificate, or charter of incorporation, or with the provisions of such Act or Acts of Assembly amending its certificate or charter of incorporation, as the trustees thereof may procure to be passed and accepted.

Inasmuch as I deem it to be my duty to protect the dispositions made by me of my estate by my last will and Testament, and by this Codicil, in the most formal, strict and solemn manner, in which I can protect the same, I do, therefore, in order that my wishes may be fully respected, again declare that if any person named in my said last will and testament, and to whom, or for whose use, I have made any

devise, or bequest, or provision, or any person claiming through, under, or in trust for such person, shall at any time during the life of such person, or within twenty-one years after the death of such person, dispute the validity of my Last Will and Testament, or of this Codicil or of any Codicil to be hereafter made to said Last Will and Testament, or of any of the dispositions made in my said Last Will and Testament, or in this Codicil, or in any Codicil to be hereafter made to said Last Will and Testament, or shall at any time, during such period as aforesaid, refuse to confirm my said Last Will and Testament, or this Codicil, or any Codicil hereafter made to said last will and testament, or refuse to confirm any disposition, devise, or bequest of property made thereby, so far as he, she, or they lawfully can, or to do such acts, and things as of him, her, or them can be reasonably demanded for giving full effect to all, or any of such dispositions, devises, or bequests; or if any proceeding, whatever, shall at any time during such period as aforesaid, be taken with the consent, or connivance, of any such person or persons, as aforesaid, by means, or in consequence of which, any estate or interest could be in any way attainable by such person or persons as aforesaid, of larger extent, or value than is, or shall be by my said last will and testament, or by this Codicil, or by any Codicil hereafter made to said last will and testament, given to the said person or persons, and such proceeding shall not be formally and at once disavowed, stayed, or resisted by the said person, or persons as aforesaid, to the full extent of his, or their, power and ability so to do, then and in such case, all the dispositions, made in my said last will and testament, or in this Codicil, or in any Codicil, to be hereafter made to my said last will and testament, in favor of the said person or persons, shall cease and be void to all intents and purposes whatsoever, and are hereby revoked accordingly.

And in the event lastly hereinbefore contemplated, as to all the real, leasehold and personal estate, so forfeited as aforesaid, I give and devise the same to "The Johns Hopkins Hospital" and to "The Johns Hopkins University" as tenants in common, and not as joint tenants, to be equally divided between them, share and share alike; the share of each corporation in the property so acquired to be held, used, and applied by such corporation in, for and to its corporate purposes, in accordance with the provisions of its existing certificate, or charter of incorporation, or with the provisions of such Act or Acts of Assembly amending its certificate or charter of incorporation, as the Trustees thereof may procure to be passed and accepted.

Finally, in all other respects, I do confirm my said last will and testament.

In testimony whereof, I have hereunto set my hand and affixed my seal this thirty-first day of October, in the year eighteen hundred and seventy-one.

JOHNS HOPKINS.



Signed, sealed, published and declared by the above named Johns Hopkins, as and for a Codicil to his last Will and Testament, in our presence, who at his request, in his presence and in the presence of each other, have hereunto set our hands as witnesses hereto.

DAVID A. JONES,
WILLIAM P. INGLE,
JOHN A. COMPTON.

BALTIMORE COUNTY, SS. :

On this 27th day of December, 1873, came David A. Jones, William P. Ingle and John A. Compton, subscribing witnesses to the foregoing Codicil to the Last Will and Testament of Johns Hopkins, late of said County, deceased, and made oath on the Holy Evangelical of Almighty God, that they did see the Testator sign and seal this Codicil, that they heard him publish, pronounce, and declare the same to be a Codicil to his Last Will and Testament; that at the time of his so doing he was to the best of

their apprehension of sound and disposing mind, memory and understanding, and that they subscribed their names as witnesses to this Codicil in his presence at his request, and in the presence of each other.

Sworn to in Open Court,

Test: JOS. B. MITCHELL,

Register of Wills for Baltimore County.

In Testimony that the foregoing is a true copy taken from the original filed and of record in the Office of the Register of Wills for Baltimore County.

I hereunto subscribe my name and affix the seal of my office,
this 27th day of December, A. D. 1873.

Test: JOS. B. MITCHELL,

Register of Wills for Baltimore County.



SECOND CODICIL

I, Johns Hopkins, of Baltimore County, in the State of Maryland, do make this Codicil, to the last Will and Testament by me heretofore executed.

I give, devise and bequeath to Samuel Hopkins and Gerard Hopkins of Howard County, in this State, and to the survivor of them, and to the heirs and assigns of the survivor, all the estate and property heretofore by me devised, or bequeathed to my nephew Lewis N. Hopkins; and also the warehouse formerly occupied by Hopkins Brothers & Company, in the prosecution of their business, which said warehouse is in the rear of the warehouse which was by my last will specifically devised to the said Lewis N. Hopkins, in trust, nevertheless to receive the rents, issues and profits of all of said property and to pay the net income therefrom, after deducting the necessary expenses attending the management of said property, to my said nephew, Lewis N. Hopkins, during his natural life, and, after his death, in trust to hold the said property and the rents, issues and profits thereof in trust for any child, or children of the said Lewis N. Hopkins, the said children, if there be more than one child, to be entitled to share equally therein.

I do further hereby expressly release my nephew Lewis N. Hopkins and my nephew Johns Hopkins Janney, partners now trading under the name and firm of Hopkins & Janney, and each of them, from all liability to pay any debt, or debts due by them, as a firm, or which may become due by them as a firm to me, or to my estate by reason of transactions originating in my lifetime, to the extent of sixty thousand dollars of said indebtedness, but to no greater or other extent.

And whereas, I have heretofore executed a certain memorandum in writing and delivered the same to Sarah H. Janney, in which I endeavored in a time of sickness, and not, perhaps, in due form of law, to give and devise certain lots belonging to me at the Fair Grounds and a lot formerly belonging to E. Thomas, to Johns Hopkins Janney, my nephew, now I do hereby expressly refer to the said memorandum and devise the particular lots belonging to me at the Fair Grounds and the lot formerly belonging to the said E. Thomas, but now belonging to me, to the said Johns Hopkins Janney.

And in other respects I do confirm my said will and any codicil thereto heretofore made, imposing upon my executors and trustees the duty of enforcing each and every provision of my said last will, or of my codicil thereto, to the utmost of their powers.

In witness whereof I hereto set my hand and seal on this thirteenth day of December, in the year eighteen hundred and seventy-three.

JOHNS HOPKINS.



Signed, sealed, published and declared by the above named Johns Hopkins, as and for a codicil to his last will and testament, in our presence, who, at his request, in his presence and in the presence of each other, have hereunto set our hands as witnesses hereto.

N. R. SMITH,

A. S. ABELL,

GEO. V. LONGCOPE.

BALTIMORE COUNTY, SS.:

On this 29th day of December, 1873, came N. R. Smith, A. S. Abell and G. V. S. Longcope, subscribing witnesses to the foregoing Codicil to the Last Will and Testament of Johns Hopkins, late of said County, deceased, and made oath on the Holy Evangely of Almighty God, that they did see the Testator sign and seal this Codicil, that they heard him publish, pronounce, and declare the same to be a Second Codicil to his Last Will and Testament; that at the time of his so doing he was to the best of their apprehension of sound and disposing mind, memory and understanding, and that they subscribed their names as witnesses to this Codicil in his presence at his request, and in the presence of each other.

Test: JOSEPH B. MITCHELL,

Register of Wills for Baltimore County.

BALTIMORE COUNTY, SS.:

On the 27th day of December, 1873, came Charles J. M. Gwinn and made oath on the Holy Evangely of Almighty God, that he does not know of any other Will or Codicil of Johns Hopkins late of said County, deceased, other than the above Instruments of Writing, and that he found the same at the Merchant's National Bank of Baltimore, on or about the 24th day of December, 1873.

Sworn to in Open Court,

Test: JOS. B. MITCHELL,

Register of Wills for Baltimore County.

In testimony that the foregoing is a true copy taken from the original filed, and of record in the Orphan's Court of Baltimore County.



I hereunto subscribe my name and affix the seal of my office,
this 27th day of December, A. D. 1873.

Test.: JOS. B. MITCHELL,

Register of Wills for Baltimore County.